IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.203 OF 2007
IN
SUMMARY SUIT NO.3432 OF 2006

Dhaval A. Barot ..Plaintiff.
Vs.
Shiv Construction Co. and Ors. ..Defendants.

....

Mr. J.M. Chodankar for the Plaintiff.
None for the Defendants.

...

CORAM: **DR. D.Y. CHANDRACHUD, J.**

5th June, 2007.

P.C. :

The Summary Suit under Order 37 of the Code of Civil Procedure, 1908 has been instituted for the recovery of a principal amount of Rs.17 lacs lent and advanced by the Plaintiff to the Defendants, together with interest thereon. In discharge of their liability the Defendants issued four cheques in the total amount of Rs.17 lacs dated 15th November, 2003, 15th November, 2003, 15th December, 2003 and 15th December, 2003 respectively. Upon presentation the cheques were dishonoured by the bankers of the Defendants. The Plaintiff issued a notice of demand. In response

thereto the Defendants by their letters dated 13th April, 2004 pleaded their financial difficulties and sought some time to pay the outstandings. The Defendants have been served with the writ of summons and have entered appearance. Counsel appearing for the Plaintiff states that the Summons for Judgment has also been served and an affidavit of service shall be filed within a period of one week from today. There is no reply to the Summons for Judgment. In the circumstances, the Plaintiff would be entitled to a decree having regard to the provisions of Order 37 of the Code of Civil Procedure, 1908. The claim of the Plaintiff falls within the purview of the aforesaid provisions. The Suit shall accordingly stand decreed in the amount of Rs.17 lacs together with interest at the rate of 12% per annum from the respective due dates until the date of the suit and at the same rate from the date of the suit until payment or realization. The Plaintiff shall be entitled to the costs of the Suit.